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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,222	02/22/2002	Takashi Shoji	016778-0445	1820
22428	7590	06/13/2005	EXAMINER	
FOLEY AND LARDNER SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			MEEK, JACOB M	
			ART UNIT	PAPER NUMBER
			2637	

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/069,222

Applicant(s)

SHOJI, TAKASHI

Examiner

Jacob Meek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 5 and 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5 and 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takeishi (US-5,689,525) in view of Okamoto (US-5,960,028).

With regard to claim 1, Takeishi discloses a spread spectrum communications system with a 1<sup>st</sup> delay means for giving a delay of predetermined resolution (see column 9, lines 10 – 12) comprising: second delay means for delaying signal of 1<sup>st</sup> delay means with a higher resolution than 1<sup>st</sup> delay means (see column 9, lines 13 – 20 where fine synchronization is interpreted as equivalent), control means for computing a 1<sup>st</sup> delay amount and a 2<sup>nd</sup> delay amount (see column 9, lines 28 – 37), transmission timing settings means for notifying controller of predetermined delay amount as a transmission timing (see column 6, lines 20 – 21 where this is interpreted as equivalent). Takeishi is silent with respect to delay and filtering in the transmission path. Okamoto teaches a system incorporating delay means and modulation (where modulator is interpreted as provided transmit filter) in the transmit path (see figure 4, 27 – 31, as an example). It would have been obvious to one of ordinary skill in the art to combine Takeishi's invention with Okamoto's device in order to produce a system with superior error performance (see column 1, line 6 – 10).

With regard to claim 9, Takeishi discloses a spread spectrum communications system comprising: 1<sup>st</sup> delay means for giving a delay of predetermined resolution to signals (see

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column 9, lines 10 – 12) 2<sup>nd</sup> delay means for delaying signal of 1<sup>st</sup> delay means with a higher resolution than 1<sup>st</sup> delay means (see column 9, lines 13 – 20 where fine synchronization is interpreted as equivalent), control means for computing a 1<sup>st</sup> delay amount and a 2<sup>nd</sup> delay amount (see column 9, lines 28 – 37), transmission timing settings means for notifying controller of predetermined delay amount as a transmission timing (see column 6, lines 20 – 21 where this is interpreted as equivalent). Takeishi is silent with respect to delay, filtering, and synthesis in the transmission path. Okamoto teaches a system incorporating delay means and modulation (where modulator is interpreted as providing transmit filter and synthesis) in the transmit path (see figure 4, 27 – 31, as an example). It would have been obvious to one of ordinary skill in the art to combine Takeishi's invention with Okamoto's device in order to produce a system with superior error performance (see column 1, line 6 – 10).

#### ***Other Cited Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kohnen (US-4,193,073), Van Grinsven (US-5,619,504), Lavean (US-5,943,331), and Lattard (US-6,349,109) all disclose variations of time synchronization applicable to wireless communications).

#### ***Conclusion***

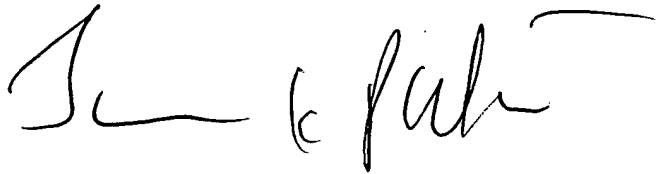
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Meek whose telephone number is (571)272-3013. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571)272-2988. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JMM



**JAY K. PATEL**  
**SUPERVISORY PATENT EXAMINER**